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REGULATORY
POLICY

**Protection
of the Environment**

P-223

February 2001



REGULATORY DOCUMENTS

The Canadian Nuclear Safety Commission (CNSC) operates within a legal framework that includes law and supporting regulatory documents. Law includes such legally enforceable instruments as acts, regulations, licences and orders. Regulatory documents such as policies, standards, guides, notices, procedures and information documents support and provide further information on these legally enforceable instruments. Together, law and regulatory documents form the framework for the regulatory activities of the CNSC.

The main classes of regulatory documents developed by the CNSC are:

Regulatory policy: a document that describes the philosophy, principles and fundamental factors used by the CNSC in its regulatory program.

Regulatory standard: a document that is suitable for use in compliance assessment and describes rules, characteristics or practices which the CNSC accepts as meeting the regulatory requirements.

Regulatory guide: a document that provides guidance or describes characteristics or practices that the CNSC recommends for meeting regulatory requirements or improving administrative effectiveness.

Regulatory notice: a document that provides case-specific guidance or information to alert licensees and others about significant health, safety or compliance issues that should be acted upon in a timely manner.

Regulatory procedure: a document that describes work processes that the CNSC follows to administer the regulatory requirements for which it is responsible.

Document types such as regulatory policies, standards, guides, notices and procedures do not create legally enforceable requirements. They support regulatory requirements found in regulations, licences and other legally enforceable instruments. However, where appropriate, a regulatory document may be made into a legally enforceable requirement by incorporation in a CNSC regulation, a licence or other legally enforceable instrument made pursuant to the *Nuclear Safety and Control Act*.

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Ce document est également disponible en français.

Document availability

The document can be viewed on the CNSC website. Copies in English or French may be ordered using the contact information below:

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PROTECTION OF THE ENVIRONMENT

1.0 PURPOSE

This regulatory policy describes the principles and factors that guide the Canadian Nuclear Safety Commission (CNSC) in regulating the development, production and use of nuclear energy and the production, possession and use of nuclear substances, prescribed equipment and prescribed information in order to prevent unreasonable risk to the environment in a manner that is consistent with Canadian environmental policies, acts and regulations and with Canada's international obligations.

2.0 SCOPE

This policy applies to all regulatory decisions made by the Commission or its staff.

3.0 POLICY STATEMENT

It is the policy of the Commission that:

- Applicants for CNSC licences must demonstrate through performance assessments, monitoring, or other evidence, that their provisions to protect the environment are adequate.
- The measures taken by CNSC licensees to protect the environment should :
 - be commensurate with the likelihood and significance of adverse environmental effects;
 - recognize that variability exists in potentially adverse environmental effects as a consequence of differences in regulated activities, substances, equipment, facilities, the environment and its human components;
 - recognize that uncertainty exists in science, and therefore prevent unreasonable risk by keeping all releases to the environment as low as reasonably achievable, social and economic factors taken into account (ALARA);
 - be judged against performance indicators and targets which are based on sound science.
- When evaluating applications for licences, or making regulatory decisions the CNSC will consider the following factors :
 - the environmental effects that may be associated with the regulated activities, substances, equipment or facilities over time;
 - the measures proposed or taken to mitigate residual environmental effects to allow future uses for the site;

- the measures proposed or taken to mitigate the potentially significant adverse environmental effects of the regulated activities, substances, equipment or facilities under normal conditions and for accidents and malfunctions;
- stakeholder concerns; and
- any other information that it considers relevant.
- It will co-operate with other jurisdictions to protect the environment. Where appropriate, the CNSC may enter into formal arrangements with other jurisdictions to increase the effectiveness of environmental protection. The principles outlined in the relevant sections of the Canada Wide Accord on Environmental Harmonization may be used as a basis for the development of formal arrangements.
- It will apply this policy in a consistent manner to the activities, substances, equipment and facilities that it regulates subject always to the circumstances of the individual case.
- It will consult stakeholders when developing its environmental protection programs, performance indicators and targets.

4.0 EVALUATION

The CNSC internal audit group will evaluate the implementation, compliance and effectiveness of this policy during periodic corporate reviews and report to the CNSC. The CNSC will co-operate with the Commissioner of the Environment and Sustainable Development in efforts to independently audit the effectiveness of this policy and associated programs.

5.0 POLICY AUTHORITY

This regulatory policy is issued under the authority of the *Nuclear Safety and Control Act*.

GLOSSARY

Environment

The components of the Earth and include:

- (a) land, water, and air, including all layers of the atmosphere;
- (b) all organic and inorganic matter and living organisms; and
- (c) the interacting natural systems that include components referred to in (a) and (b) above.

Environmental effect

- (a) any change that an activity, substance, equipment, facility or prescribed information may cause in the environment, including any effect of any such change:
 - on health and socio-economic conditions;
 - on physical and cultural heritage;
 - on the current use of lands and resources for traditional purposes by aboriginal persons; or
 - on any structure, site, or thing that is of historical, archeological, paleontological, or architectural significance; and
- (b) any change to any activity, substance, equipment or facility that is caused by the environment, whether any such change occurs within or outside Canada.

Mitigate

Means, with respect to any activity, substance, equipment or facility to eliminate, reduce or control the adverse environmental effects of an activity, substance, equipment or facility, and includes restitution for any damage to the environment caused by such effects, through replacement, restoration, compensation, or any other means.

Performance indicator

A quantifiable variable related to the actions of a proposed or licensed activity that may cause or indicate an adverse environmental effect if a certain threshold value is reached.

Performance target

A limit on a performance indicator designed to prevent unreasonable risks to the environment. More than one limit may be set or considered for a performance indicator.

Stakeholder

Any person or group that has an interest in, is affected by, or has an effect on an environment in which a licensed activity occurs, or has a role in decisions made pertaining to that environment. These include, but are not limited to, First Nations, licensees and their sector associations, other federal, provincial, territorial, or municipal governments or agencies, the public and commercial sectors dependant on the environment under consideration. The public may include, for example, non-government organizations, community groups, and concerned individuals while other commercial sectors may include commercial fishing, forestry or trapping.



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